UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,674	07/16/2003	Harish N. Patel	PD-200225	9645

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EXAMINER
SIPPLE IV, EDWARD C

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _07/16/2003_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-21_ is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-21_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _16 July 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _All_.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claim 12 objected to because of the following informalities: the word –if-- is not

included between the words "necessary" and "it" on Line 4. Appropriate correction is

required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-5, 8, 9,13-21 are rejected under 35 U.S.C. 102(e) as being anticipated

by Sparrell (U.S. Application # 10/490,224).

For Claim 1 Sparrell teaches:

A system for optimizing the bandwidth on an audio/video network

(Paragraph [0025] Lines 4-9), comprising:

at least one slave client (Fig. 12 Element 112) in communication with a

master box (Fig. 12 Element 108) for receiving network services at said at least

one slave client (Paragraph [0087] Lines 1-7);

a remote control unit for communicating with said at least one slave

client (Fig. 11 Elements 112, 400 and 402, also Paragraph [0087] Lines 13-15);

a television in communication with said at least one slave client and said

remote control, said television having an on condition and an off condition (Fig.

11 Element 104, also Paragraph [0113]);

whereby when said television is turned on or off by said remote control

unit, said at least one slave client can determine whether said television is in said

on condition or said off condition (Paragraph [0100]).

For Claim 2 as discussed in independent Claim 1,

Sparrell further teaches:

when said television is turned off by said remote control unit, a signal is

transmitted to said at least one slave client (Paragraph [0113] Lines 1- 6, also

Paragraph [0114] Lines 1-2) to turn it off to stop the transmission of data to said

at least one slave client from said master box (Paragraph [0031] and [0032], and

Paragraph [0077] Lines 10-24).

For Claim 3 as discussed in independent Claim 1,

Sparrell further teaches:

when said television is turned off by

said remote control unit, a signal is transmitted to said at least one slave client (

Paragraph [0113] Lines 1-6, also Paragraph [0114] Lines 1-2) to place said at

least one slave client in a sleep mode (Paragraph [0077] Lines 10-24, and

Paragraph [0099] Lines 7-12), which allows said slave client to update

databases from said master box (Paragraph [0105] Lines 7-8) , but it is otherwise

off (Paragraph [0099], Lines 7-13).

For Claim 4 as discussed in independent Claim 1,

Sparrell further teaches:

said at least one slave client includes a

learning module that allows said at least one slave client to learn appropriate

remote control codes associated with other entertainment devices (Paragraphs [

0114] and [0115], also Paragraph [0116] Lines 1-6).

For Claim 5 as discussed in independent Claim 1,

Sparrell further teaches:

the audio/video network is for a single family home (Paragraph [0018] and

further evidenced by [0072]).

For Claim 8 as discussed in Claim 4,

Sparrell further teaches:

said at least one remote control is a

standard remote control and said at least one slave client determines the status

of said television, based on said learned remote control codes (said slave client

having learned codes associated with said television remote would subsequently

determine the status of said television, see paragraph [0116]).

For Claim 9 Sparrell teaches:

A method for optimizing the bandwidth on an audio/video

network (Paragraph [0025] Lines 4-9),

comprising:

providing at least one slave client (Fig. 12 Element 112) that is in

communication with a master box (Fig. 12 Element 108) to receive audio and

video information therefrom (Paragraph [0087] Lines 1-7)

providing a remote control unit for communicating with said at least one

slave client (Fig. 11 Elements 400, 402, also Paragraph [0087] Lines 13-16);

communicating a signal from said remote control unit to said at least one

slave client when a television is turned on or off (Paragraph [0113] Lines 1-6 and

[0114] Lines 1-3); and

placing said at least one slave client in an appropriate state based on said

signal received from said remote control unit (Paragraph [0107], and Paragraph

[0077] Lines 20-24).

For Claim 13 as discussed in independent Claim 9:

Sparrell further teaches:

programming said at least one slave client to learn signals from said

remote control unit to determine when said television is turned on or off

(Paragraphs [0114] and [0115], also Paragraph [0116]) .

For Claim 14 as discussed in Claim 13,

Sparrell further teaches:

turning said at least one slave client off when said at least one slave client

determines that said remote control unit has turned off said television (Paragraph

[0031] and Paragraph [0077] Lines 13-24).

For Claim 15 as discussed in Claim 13.

Sparrell further teaches:

placing said at least one slave client in a sleep mode (Paragraph [0077]

Lines 20-24, and Paragraph [0099] Lines 7-12) when said signal received from

said remote control unit indicates that said television is turned off (Paragraph

[0100]), such that said at least one slave client may still update its databases if it

is in sleep mode for an extended period of time (Paragraph [0099], Lines 7-13,

and Paragraph [0105] Lines 7-8).

For Claim 16 as discussed in Claim 13,

Claim 16 is also analyzed with respect to Claim 14.

Sparrell further teaches:

turning said at least one slave client on when said at least one slave client

determines that said remote control unit has turned on said television.

Referring back to Claim 14, Sparrell taught turning off the slave client when it

determined that said television had been turned off by said remote control; similarly

turning on the slave client in response to said remote control turning on said television is

implicit.

For Claim 17 Sparrell teaches:

A system for optimizing the bandwidth on an audio/video network

(Paragraph [0025] Lines 4-9),

comprising:

at least on slave client (Fig. 12 Element 112) in communication with a

master box (Fig. 12 Element 108) to receive network services and display audio

and video on an associated television (Paragraph [0087] Lines 1-7);

a remote control unit that is intended to control said television, including

placing said television in an on condition and an off condition (Paragraph [0113]

); and

said at least one slave client in communication with said remote control

unit to determine whether said television is in said on condition or said off

condition (Paragraph [0112] Lines 3-5 and Paragraphs [0114] and [0115]).

For Claim 18 as discussed in independent Claim 17,

Sparrell further teaches:

said remote control unit sends a signal to said at least one slave client

indicative of whether said television is in an on condition or an off condition (

Paragraphs [0113] and [0114]).

For Claim 19 as discussed in Claim 18,

Sparrell further teaches:

said at least one slave client has a learning module to learn program

codes associated with said on condition and said off condition as emitted from

said remote control unit (Paragraphs [0114] and [0115], also Paragraph [0116]

Lines 1-6).

For Claim 20 as discussed in Independent Claim 17,

Sparrell further teaches:

when said television is in said off condition, said at least one slave client

is placed into an off condition to stop the transmission of data from said master

box. (Paragraph [0031] and [0032], and Paragraph [0077] Lines 10-24).

For Claim 21 as discussed in Independent Claim 17,

Sparrell further teaches:

when said television is in said off condition, said at least on slave client is

placed into a sleep condition, (Paragraph [0077] Lines 10-24, also Paragraph

[0099] Lines 7-12) which allows said at least one slave client to update

databases from said master box (Paragraph [0099], Lines 7-13, and Paragraph

[0105] Lines 7-8).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sparrell

(U.S. Application # 10/490,224) further in view of Amit (U.S. Patent 7,127,734).

For Claim 6 as discussed in independent Claim 1,

Sparrell teaches:

the audio/video network in a "home network"

Sparrell does not teach:

the audio/video network is for a commercial establishment.

Amit teaches:

That it is well known in the art that a "home network" can be for a

commercial establishment (Paragraph 5 Lines [7-12]).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to incorporate the bandwidth allocation features taught

by Sparrell within the commercial establishment network taught by Amit.

The motivation would have been to prevent the allocation of bandwidth to

devices that are not in operation, thereby efficiently allocating network resources

(Sparrell Paragraph [0031]).

4.   Claims 7 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Sparrell (U.S. Application # 10/490,224) further in view of Griesau (U.S. Patent #

7,109,908).

For Claim 7 as discussed in independent Claim 1,

Sparrell does not teach:

The at least one remote is a "smart" remote control per se, that sends

a signal to said slave client regarding the status of said television.

Griesau teaches:

said at least one remote is a smart remote control that sends a signal to said slave client regarding the status of said television.

Griesau teaches a programmable remote control that sends a desired series of button functions. Said remote taught by Griesau may be programmed to transmit a signal specifically to the slave client that corresponds to a signal sent to said television; thereby informing the slave client of the status of said television. See Paragraph 2 Lines 11-15.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the smart remote features taught by Griesau within the remote control (Element 400) taught by Sparrell.

The motivation would have been to enable said remote control to communicate with multiple devices (Griesau Paragraph 2 Lines 36-47).

For Claim 10 as discussed in independent Claim 9,

Griesau further teaches:

programming said remote control unit to send a signal to said at least one slave client when said television is turned on or off. (Paragraph 2 Lines 11-15).

For Claim 11 as discussed in Claim 10,

Sparrell further teaches:

turning said at least one slave client off when said signal received from said remote control unit indicates that said television is turned off (Paragraph [0113] Lines 1-6, also Paragraph [0114] Lines 1-2), in order to stop transmission of data to said at least one slave client (Paragraph [0077] Lines 16-24).

For Claim 12 as discussed in Claim 10,

Sparrell further teaches:

placing said at least one slave client in a sleep mode (Paragraph [0099] Lines 7-12) when said signal received from said remote control unit indicates that said television is turned off (Paragraph [0100]) , such that it may still update its databases as necessary, if it is in sleep mode for an extended period of time (Paragraph [0099] Lines 7-13, and Paragraph [0105] Lines 7-11).
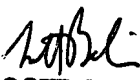
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward C. Sipple IV whose telephone number is 571 270 3414. The examiner can normally be reached on M-F 7:30-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hai Tran can be reached on 571 272 7305. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ES
08/27/2007

SCOTT E. BELIVEAU
PRIMARY PATENT EXAMINER